



UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHN WHITMAN and JOHN DAVLIN

Application 09/542,783

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on November 22, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Upon review of the Examiner's Answer mailed on May 19, 2004, there is no indication that a proper appeal conference has been conducted. According to the Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., August 2001), when an appeal conference has been held, the appeal conference participants must identify themselves as the conferees, along with placing their initials

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next to their name. It is not proper for one conferee to sign for another since, in effect, would present just a single conferee instead of the required two conferees.

In addition, section 707.08 of the Manual of Patent Examining Procedure (MPEP) (8th Ed., Rev. 1 (Feb. 2003) states:

The full surname of the examiner who prepares the Office action will, in all cases, be typed at the end of the action.....

After the action is typed, the examiner who prepared the action reviews it for correctness. The surname or initials of the examiner who prepared the action and the date on which the action was typed should appear below the action. If the examiner does not have the authority to sign the action, he or she should initial above the typed name or initials.....

The Examiner's Answer mailed November 4, 2003 is deficient in that there is no signature or initials for Brook Kebede

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Accordingly, it is

ORDERED that the application is returned to the Examiner for taking corrective action regarding the appeal conference, and for such further action as may be appropriate.

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By:



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RA05-0167

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